

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ALLEN K. LEE,	:	
	:	
Plaintiff,	:	Case No. 3:08cv00344
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
POSTMASTER GENERAL	:	
JOHN E. POTTER, <i>et al.</i> ,	:	
	:	
Defendants.	:	

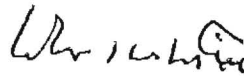
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**DECISION AND ENTRY ADOPTING IN FULL THE REPORT AND  
RECOMMENDATIONS FILED ON JUNE 22, 2009 (Doc. #16) AS FOLLOWS:**

- 1. GRANTING IN ITS ENTIRETY DEFENDANT NATIONAL ASSOCIATION OF LETTER CARRIERS, ALF-CIO AND NATIONAL ASSOCIATION OF LETTER CARRIERS BRANCH 45's MOTION TO DISMISS (Doc. #5);**
- 2. DENYING IN PART WITHOUT PREJUDICE DEFENDANTS JOHN E. POTTER AND UNITED STATES POSTAL SERVICE'S MOTION TO DISMISS (Doc. #10) AS TO COUNT FOUR OF THE COMPLAINT CLAIMING RACE DISCRIMINATION AGAINST BOTH SAID DEFENDANTS UNDER TITLE VII, AND GRANTING THESE DEFENDANTS' MOTION TO DISMISS (Doc. #10) IN ALL OTHER RESPECTS;**
- 3. DISMISSING PLAINTIFF'S COMPLAINT (Doc. #2) WITH PREJUDICE AND TERMINATING THIS CASE AGAINST DEFENDANTS NATIONAL ASSOCIATION OF LETTER CARRIERS, ALF-CIO AND NATIONAL ASSOCIATION OF LETTER CARRIERS BRANCH 45; AND**

4. **DISMISSING IN PART PLAINTIFF'S COMPLAINT (Doc. #2) WITH PREJUDICE AGAINST DEFENDANTS JOHN E. POTTER AND UNITED STATES POSTAL SERVICE EXCEPT AS TO COUNT FOUR OF THE COMPLAINT CLAIMING RACE DISCRIMINATION AGAINST BOTH SAID DEFENDANTS UNDER TITLE VII, AS TO WHICH CLAIM THIS MATTER SHALL PROCEED UNDER THE COURT'S PRIOR SCHEDULING ORDER (Doc. #12).**
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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #16), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations. It is therefore **ORDERED** that the Report and Recommendations filed on June 22, 2009 (Doc. #16) is **ADOPTED** in full as set forth above.



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Walter Herbert Rice  
United States District Judge